IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6047 OF 2005

Suresh Sidhappa Bhimnavaru ...Applicant
vs.
State of Maharashtra ...Respondent

Mr.B.G.Vaidya for the Applicant
Ms S.D.Shinde,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 10,2005

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The offence registered against the Applicant is under Section 307 read with Section 34 of the Indian Penal Code and Sections 3(1) (10) of Scheduled Castes and Scheduled Tribes Prevention of Attrocities Act. The learned Advocate for the Applicant submitted that the investigation has been completed and the charge sheet has been filed. He submitted that there are number of contradictions in the statements of the witnesses. He pointed out that the statement of the first informant has been belatedly recorded. The statement of the injured person has been recorded five days after the alleged incident. He submitted that the first informant is the wife of the injured whose version is that she was not present at the time of incident and the injured has stated that he was accompanied by his wife at the time of incident. He pointed out that there is a political rivalry between the injured person and the Applicant.

2. The learned A.P.P. has invited my attention to the

material on record. She submitted that the injured was unconscious for quite some time and therefore there is a delay in recording his statement. The learned A.P.P. further submitted that the eye witnesses have named the Applicant and therefore he is not entitled to be enlarged on bail.

3. I have considered the submissions. The medical certificate of the injured person shows that out of four injuries sustained, only one is grievous and others are simple injuries. The grievous injury is a stab injury on mid axillary region allegedly caused by a sharp weapon.

4. Perusal of the investigation papers and in particular statement of the witnesses show that according to the injured, the first informant i.e. his wife was present at the time of incident. However, the statement of the first informant indicates that she was not present and someone informed her that her husband has been assaulted. There is a delay in recording the statement of the injured. The statement itself indicates that there is a political rivalry between the uncle of the Applicant and the injured person. The statement of other witnesses show that the injured was conscious at least for some time.

5. Investigation has been completed and the charge sheet has already been filed. There are no criminal antecedents of the Applicant. In view of this position, a case is made out for grant of bail.

6. Hence I pass the following order :

i) The Applicant shall be enlarged on bail in connection with C.R.No.42 of 2005 registered with Valsang Police Station Police Station, Solapur subject to furnishing a personal bond of Rs.10,000/- (Rupees ten thousand only) with one or two local sureties in the like amount.

ii) The bail is granted subject to the condition that the Applicant will report to the Investigating Officer once in a month till conclusion of the trial.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) Parties to act upon an authenticated copy of this order.

JUDGE